

FILED

2009 NOV 24 AM 11:39

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

1 REBECCA R. WEINREICH, SB# 155684  
E-Mail: Weinreich@lbbslaw.com  
2 JORDON E. HARRIMAN, SB# 117150  
E-Mail: harriman@lbbslaw.com  
3 **LEWIS BRISBOIS BISGAARD & SMITH LLP**  
221 North Figueroa Street, Suite 1200  
4 Los Angeles, California 90012  
Telephone: 213.250.1800  
5 Facsimile: 213.250.7900

6 Attorneys for AMERICAN  
INTERNATIONAL SPECIALTY LINES  
7 INSURANCE COMPANY n/k/a/  
CHRATIS SPECIALTY INSURANCE  
8 COMPANY

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11 TAYLOR MORRISON, INC., f/k/a Taylor  
Woodrow, Inc., a Delaware corporation;  
12 TAYLOR MORRISON SERVICES, INC., f/k/a  
Morrison Homes, Inc., a Delaware corporation;  
13 and TAYLOR WOODROW COMMUNITIES  
AT VASARI, L.L.C., a Florida limited liability  
14 company,

15 Plaintiffs,

16 v.

17 AMERICAN INTERNATIONAL SPECIALTY  
LINES INSURANCE COMPANY, an Illinois  
corporation,

18 Defendant.

CASE NO.

**CV 09 08651 FMC**

**PLA<sub>x</sub>**

**NOTICE OF REMOVAL OF  
ACTION UNDER 28 U.S.C.,  
§ 1441(b) -DIVERSITY**

19  
20 To the Clerk of the above-entitled Court:

21 Please take NOTICE that under 28 U.S.C. § 1441(b), defendant American  
22 International Specialty Lines Insurance Company n/k/a Chartis Specialty Insurance  
23 Company (Chartis) removes to this Court the State Court action described below  
24 based on jurisdiction under 28 U.S.C. § 1332.

25 1. In August 2009, plaintiffs filed an action in the Superior Court of the State  
26 of California in and for the County of Los Angeles entitled Taylor Morrison, Inc. v.  
27 American International Specialty Lines Insurance Company. Plaintiffs did not serve  
28

1 the original complaint and subsequently filed a First Amended Complaint on  
2 October 28, 2000. A copy of the Summons and First Amended Complaint is  
3 attached as Exhibit A.

4 2. Chartis first received notice of the action and a copy of the First Amended  
5 Complaint on October 28, 2009, when Chartis was served with the First Amended  
6 Complaint and Summons through its registered agent in California. Chartis is filing  
7 this Notice of Removal within thirty days after receiving the complaint and  
8 summons. Accordingly, the notice is timely under 28 U.S.C. § 1446(b).

9 3. Chartis is informed and believes that at the time the action was filed,  
10 plaintiff Taylor Morrison, Inc. was and still is a Delaware corporation with its  
11 principal place of business in Scottsdale, Arizona.

12 4. Chartis is informed and believes that at the time the action was filed,  
13 plaintiff Taylor Morrison Services, Inc. was and still is a Delaware corporation with  
14 its principal place of business in Scottsdale, Arizona.

15 5. Chartis is informed and believes that at the time the action was filed  
16 plaintiff Taylor Woodrow Communities at Vasari, L.L.C. was and still is a Florida  
17 limited liability company with its principal place of business in Tampa, Florida.

18 6. At the time the action was filed, Chartis was and still is an Illinois  
19 corporation with its principal place of business in Chicago, Illinois.

20 7. Chartis may remove the action under 28 U.S.C. § 1441(b) because the  
21 Court has original jurisdiction over this action under 28 U.S.C. §1332. The action is  
22 a civil action between citizens of different states and the matter in controversy  
23 exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiffs seek a  
24 declaration that Chartis has coverage obligations under insurance policies in excess  
25 of \$75,000.

26 ///

27 ///

28

1 WHEREFORE, Chartis files this Notice of Removal of this action from the  
2 Superior Court, in which it is now pending, to the Central District Court of  
3 California, Central Division, California

4 DATED: November <sup>23</sup>, 2009 Respectfully submitted,

5 LEWIS BRISBOIS BISGAARD & SMITH LLP

6  
7 By: 

Rebecca R. Weinreich

Jordon E. Harriman

Attorneys for AMERICAN

INTERNATIONAL SPECIALTY LINES

INSURANCE COMPANY n/k/a/

CHARTIS SPECIALTY INSURANCE  
COMPANY

# EXHIBIT A

4830-5495-4496.3

# SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT:****(AVISO AL DEMANDADO):**AMERICAN INTERNATIONAL SPECIALTY LINES INSURANCE COMPANY,  
an Illinois corporation**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

TAYLOR MORRISON, INC., f/k/a Taylor Woodrow, Inc., a Delaware

corporation, ~~et al: TAYLOR MORRISON SERVICES, INC. f/k/a Morrison~~  
~~HOMES, INC. a Delaware corporation; and TAYLOR WOODROW~~  
~~COMMUNITIES AT VASARI, LLC a Florida limited liability company~~**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

**(El nombre y dirección de la corte es):**

Superior Court of California

County of Los Angeles - Civil Division

11 North Hill St.

Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso):

BC420870

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

**(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):**

Jeffrey D. Masters, Esq. (SB No.: 94122)

Patrick M. McGovern, Esq. (SB No.: 208977)

Cox Castle &amp; Nicholson, LLP

2049 Century Park East, 28<sup>th</sup> Floor, Los Angeles, California 90067 P: (310) 277-4222

F: (310) 277-7889

DATE:

**(Fecha)**

JOHN A. CLARKE, CLERK

Clerk,

Dawn Alexander

Secretary

Deputy  
(Adjunto)**(For proof of service of this summons)****(Para prueba de entrega de esta citación use el formulario Proof of Service Summons, (POS-010).)****(Para prueba de entrega de esta citación use el formulario Proof of Service Summons, (POS-010)).**

[SEAL]

AUG 31 2009

**NOTICE TO THE PERSON SERVED: You are served**

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☐ on behalf of (specify):  
under:
 

<input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
- ☐ by personal delivery on (date):

**FILED**  
Los Angeles Superior Court

OCT 27 2009

John A. Clarke, Executive Officer/Clerk  
By SHAUNYA WESLEY Deputy

COX, CASTLE & NICHOLSON LLP  
Jeffrey D. Masters (STATE BAR NO. 94122)  
Patrick M. McGovern (STATE BAR NO. 208977)  
2049 Century Park East, 28th Floor  
Los Angeles, CA 90067-3284  
Telephone: (310) 277-4222  
Facsimile: (310) 277-7889

Attorneys for Plaintiffs Taylor Morrison, Inc., f/k/a Taylor  
Woodrow, Inc.; Taylor Morrison Services, Inc., f/k/a Morrison  
Homes, Inc.; and Taylor Woodrow Communities at Vasari,  
L.L.C.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF LOS ANGELES**

**DEMAND FOR JURY TRIAL**

TAYLOR MORRISON, INC., f/k/a Taylor  
Woodrow, Inc., a Delaware corporation;  
TAYLOR MORRISON SERVICES, INC., f/k/a  
Morrison Homes, Inc., a Delaware corporation;  
and TAYLOR WOODROW COMMUNITIES  
AT VASARI, L.L.C., a Florida limited liability  
company,

Plaintiffs,

vs.

AMERICAN INTERNATIONAL SPECIALTY  
LINES INSURANCE COMPANY, an Illinois  
corporation,

Defendant.

CASE NO. BC420870

Hon. Elizabeth Allen White

**FIRST AMENDED COMPLAINT FOR:**

**DECLARATORY RELIEF (Duty To  
Indemnify)**

**DEPT. 48**

Plaintiffs Taylor Morrison, Inc., f/k/a Taylor Woodrow, Inc., Taylor Morrison Services,  
Inc., f/k/a Morrison Homes, Inc., and Taylor Woodrow Communities at Vasari, L.L.C., allege as  
follows:

**Nature Of The Action**

1. This is an insurance coverage action in which the plaintiffs seek declaratory  
relief as to the obligation of the defendant insurance company to pay those sums that the plaintiffs  
have or may become legally obligated to pay as damages by reason of liability imposed by law

1 because of bodily injury and property damage allegedly resulting from the importation and use of  
 2 allegedly defective Chinese drywall products at multiple residential construction projects developed  
 3 by the plaintiffs. Plaintiffs seek a declaratory judgment, pursuant to California Code of Civil  
 4 Procedure §1060, as to their rights under the insurance policies in question, in accordance with the  
 5 contractual provisions of those policies, insuring obligations implied or imposed by law, and  
 6 plaintiffs' reasonable expectations.

7 *The Parties and Jurisdiction*

8 2. Plaintiff Taylor Morrison, Inc., is a corporation organized under the laws of the  
 9 State of Delaware with its principal place of business in the State of Arizona, and is presently doing  
 10 business in the State of California. Taylor Morrison, Inc. was formerly known as Taylor Woodrow,  
 11 Inc.

12 3. Plaintiff Taylor Morrison Services, Inc., is a corporation organized under the  
 13 laws of the State of Delaware with its principal of business in the State of Arizona and is presently  
 14 doing business in the State of California. Taylor Morrison Services, Inc., was formerly known as  
 15 Morrison Homes, Inc.

16 4. Plaintiff Taylor Woodrow Communities at Vasari, L.L.C., is a Florida limited  
 17 liability company with its principal place of business in the State of Florida.

18 5. Plaintiffs Taylor Morrison, Inc., Taylor Morrison Services, Inc. and Taylor  
 19 Woodrow Communities at Vasari, L.L.C. are hereafter referred to collectively as "plaintiffs" or  
 20 "Taylor Morrison."

21 6. Defendant American International Specialty Lines Insurance Company  
 22 ("AISLIC"), is a corporation organized under the laws of the State of Illinois. Plaintiffs are informed  
 23 and believe that AISLIC has its principal place of business in the State of Illinois. At all relevant  
 24 times, defendant AISLIC was authorized and licensed to do and was doing business in the State of  
 25 California.

26 7. The insurance policies issued by AISLIC that are the subject of this action  
 27 provide that AISLIC will submit to the jurisdiction of any court of competent jurisdiction within the  
 28 United States.



**The AISLIC Insurance Policies**

8. Plaintiffs purchased commercial umbrella liability insurance policies from AISLIC with the policy numbers and for the policy periods set forth below:

<u>Policy Number</u>	<u>Policy Period</u>
9746096	March 1, 2005 – March 1, 2006
7412123	March 1, 2006 – March 1, 2007
7412254	March 1, 2007 – March 1, 2008
7412431	March 1, 2008 – March 1, 2009

The aforementioned insurance policies are hereafter referred to as the “Policies”. Copies of the Policies will be lodged with the Court.

9. Taylor Morrison, Inc. is the First Named Insured on the Policies. Taylor Morrison Services, Inc. is a Named Insured on the 2008-2009 Policy. Taylor Woodrow Communities at Vasari, L.L.C. is a Named Insured on the Policies.

10. The Policies provide coverage for those sums in excess of the self-insured retention that the insureds become legally obligated to pay as damages by reason of liability imposed by law because of (*inter alia*) bodily injury or property damage to which the insurance applies.

11. The Limit of Insurance under each Policy is \$25,000,000 “Each Occurrence.” The Policies define “occurrence” in pertinent part as follows:

“[A]n accident, including continuous or repeated exposure to substantially the same general harmful conditions, which results in Bodily Injury or Property Damage neither expected nor intended from the standpoint of any Insured.”

**The Chinese Drywall Claims**

12. The owners of certain homes developed by Taylor Morrison (“Homeowners”) have made claims against Taylor Morrison, alleging that the Chinese drywall installed in their homes by subcontractors on behalf of Taylor Morrison is defective and has resulted in alleged bodily injury and property damage to their homes and other property contained therein (the “Chinese Drywall Claims”).



13. Certain Homeowners have sued Taylor Morrison in relation to their Chinese Drywall Claims, in three underlying actions. The three underlying actions are (1) *Kristin Culliton, et al. v. Taylor Morrison Services, Inc., et al.*, United States District Court for the Middle District of Florida, Case No. 8:09-589 (a purported class action) (the "*Culliton Action*"); (2) *Karin Vickers, et al. v. Knauf Gips KG, et al.*, United States District Court for the Southern District of Florida, Case No. 09-20510-CIV-KMM (a purported class action) (the "*Vickers Action*"); and (3) *Larry Galvin, et al. v. Knauf Gips KG, et al.*, United States District Court for the Southern District of Florida, Case No. 09-20847-CIV-KMM (the "*Galvin Action*") (collectively referred to hereafter as the "Underlying Actions").

14. The three Underlying Actions have been consolidated for pretrial purposes in a multidistrict litigation proceeding pursuant to 28 U.S.C. § 1407, and transferred to the Eastern District of Louisiana under MDL No. 2047, *In Re: Chinese-Manufactured Drywall Products Liability Litigation*.

#### **AISLIC'S Failure to Provide Insurance Coverage**

15. Taylor Morrison timely notified AISLIC of the Chinese Drywall Claims and the Underlying Actions and tendered them to AISLIC for indemnity. AISLIC acknowledged receipt of the notices and tenders, but has failed to acknowledge coverage for the Chinese Drywall Claims and failed to acknowledge its obligation to indemnify Taylor Morrison.

16. Taylor Morrison has demanded that defendant AISLIC acknowledge, accept and undertake its contractual obligations to plaintiffs as set forth in the Policies. Defendant AISLIC has to date nonetheless failed and refused to acknowledge its obligations to Taylor Morrison.

#### **FIRST CAUSE OF ACTION**

#### **DECLARATORY RELIEF – DUTY TO INDEMNIFY**

17. Plaintiffs re-allege paragraphs 1 through 16 of this First Amended Complaint as if fully set forth herein.

18. Plaintiffs have demanded that defendant AISLIC acknowledge its coverage obligations and indemnify plaintiffs as to their losses arising out of the Underlying Actions and the Chinese Drywall Claims. Defendant AISLIC has to date refused to acknowledge its coverage

1 obligations and has to date refused to and failed to indemnify plaintiffs for the losses they have  
2 incurred and will incur as a result of the Underlying Actions and the Chinese Drywall Claims.

3 19. An actual controversy has arisen and now exists between plaintiffs, on the one  
4 hand, and defendant AISLIC, on the other hand, with regard to defendant AISLIC's obligations to  
5 plaintiffs. Plaintiffs contend, and are informed and believe and thereupon allege, that defendant  
6 AISLIC denies that defendant AISLIC is obligated to indemnify plaintiffs in connection with the  
7 Underlying Actions and as to the losses plaintiffs have incurred and will incur as a result of the  
8 Chinese Drywall Claims.

9 20. Plaintiffs desire a judicial determination and declaration of the parties'  
10 respective rights and duties under the Policies, and specifically a judicial determination and  
11 declaration that AISLIC is obligated to indemnify plaintiffs.

12 21. A judicial declaration of the rights, duties and obligations of the parties is  
13 necessary and appropriate at this time in that plaintiffs have no plain, speedy or adequate remedy at  
14 law, and a judicial determination and declaration of rights herein will avoid a multiplicity of actions.

#### 15 **PRAYER FOR RELIEF**

16 WHEREFORE, plaintiffs Taylor Morrison, Inc. Taylor Morrison Services, Inc. and Taylor  
17 Woodrow Communities at Vasari, L.L.C. pray for judgment against defendant American International  
18 Specialty Lines Insurance Company as follows:

19 A. As to the First Cause of Action for Declaratory Relief (Duty to Indemnify), for a  
20 judicial determination of the rights and obligations of the parties under the Policies with respect to  
21 plaintiffs' claims; and  
22  
23  
24  
25  
26  
27  
28

1 B. As to the First Cause of Action

2 1. For costs of suit herein; and

3 2. For such other and further relief as the Court may deem just and proper.

4 DATED: October 26, 2009

COX, CASTLE & NICHOLSON LLP

5  
6 By: Jeffrey D. Masters

Jeffrey D. Masters

Patrick M. McGovern

Attorneys for Plaintiffs Taylor Morrison, Inc.,

Taylor Morrison Services, Inc. and Taylor

Woodrow Communities at Vasari, L.L.C.

DEMAND FOR JURY TRIAL

Plaintiffs Taylor Morrison, Inc., Taylor Morrison Services, Inc. and Taylor Woodrow  
Communities at Vasari, L.L.C., hereby demand a trial by jury on all issues so triable.

DATED: October 26, 2009

COX, CASTLE & NICHOLSON LLP

By: Jeffrey D. Masters

Jeffrey D. Masters  
Patrick M. McGovern  
Attorneys for Plaintiffs Taylor Morrison, Inc.,  
Taylor Morrison Services, Inc., and Taylor  
Woodrow Communities At Vasari, L.L.C.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Florence-Marie Cooper and the assigned discovery Magistrate Judge is Paul L. Abrams.

The case number on all documents filed with the Court should read as follows:

**CV09- 8651 FMC (PLAx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)

TAYLOR MORRISON, INC., et al.

DEFENDANTS

AMERICAN INTERNATIONAL SPECIALTY LINES  
INSURANCE CO.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Rebecca R. Weinreich SB#155684  
LEWIS BRISBOIS BISGAARD & SMITH LLP  
221 N. Figueroa Street  
Suite 1200  
Los Angeles, CA 90012  
213.250.1800

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

- |   | PTF                                   | DEF                                   |   | PTF                                   | DEF                                   |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4            | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input checked="" type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6            |

## IV. ORIGIN (Place an X in one box only.)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. section 1441(b) and 28 U.S.C. section 1332

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	PERSONAL INJURY	TORTS - PERSONAL INJURY	TORTS - PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input checked="" type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation	
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights	
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent	
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark	
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)	
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 245 Tort Product Liability					
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 290 All Other Real Property					
<input type="checkbox"/> 950 Constitutionality of State Statutes						

FOR OFFICE USE ONLY: Case Number: CV09 08651

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply)
- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	State of Delaware and State of Florida

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	State of Illinois

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

REBECCA R. WEINREICH

Date November 24, 2009

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))